

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

REC'D 19 APR 2004

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Applicant's or agent's file reference 2142/PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB 03/00837	International filing date (day/month/year) 28.02.2003	Priority date (day/month/year) 22.03.2002
International Patent Classification (IPC) or both national classification and IPC H02J9/06		
Applicant VERNON-DIER, David Richard et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 10 sheets, including this cover sheet.

This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☒ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 25.07.2003	Date of completion of this report 16.04.2004
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**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB 03/00837

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-7 as originally filed

Claims, Numbers

1-18 received on 14.07.2003 with letter of 26.06.2003

Drawings, Sheets

1/8-8/8 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language(s):

- ☐ the language of a translation furnished for the purposes of the international application (under Rule 48.3(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

see separate sheet

6. Additional observations, if necessary:

see separate sheet

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application,

☒ claims Nos. 3-9, 12-18

because:

☐ the said international application, or the said claim, or the following subject matter which does not require an international preliminary examination:

☒ the description, claims or drawings (*indicate particularly* below) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

see separate sheet

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos.

2. A meaningful international preliminary examination cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the Standard.

☐ the computer readable form has not been furnished or does not comply with the Standard.

IV. Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees, the applicant has:

☐ restricted the claims.

☐ paid additional fees.

☐ paid additional fees under protest.

☐ neither restricted nor paid additional fees.

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2. ☒ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
- ☒ not complied with for the following reasons:
- see separate sheet**
4. Consequently, the following parts of the international application were the subject of international preliminary examination in establishing this report:
- ☒ all parts.
- ☐ the parts relating to claims Nos. .

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-4, 6-8, 10-13, 15-17
	Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4, 6-8, 10-13, 15-17
Industrial applicability (IA)	Yes: Claims	1-4, 6-8, 10-13, 15-17
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item I

Basis of the report

Amended claims 1-18 were filed by the Applicants after having received the international search report (Article 19 PCT). It is noted that the subject-matter of dependent claims 5 and 14 includes a new feature according to which the "light sources are made of points of light". However, this amendment is considered to be unallowable, since it goes beyond the disclosure in the international application as filed (Article 19(2) PCT) and it represents an unduly generalization of what is disclosed therein. Therefore, claims 5 and 14 have not been considered.

Re Item II

Priority

No statement

Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Claims 2-8 and 11-17 referring to one of claims 1 or 10 which object is **not inventive** (see Item V below)

- a) the application does not fulfill the requirements of Article 6 PCT, because the claims *as a whole* are no more clear (PCT-Guidelines, ISPE/5.31, first sentence) and
- b) the separate inventions or groups of inventions described in these claims are not so linked as to form a single general inventive concept (Article 3(4)(iii) and Rule 13.1 PCT; non-unity a posteriori).

Therefore, the international preliminary report

- is established on the **independent claims** and on those parts which relate to what appears to be the **main invention**, i.e. the invention mentioned in the claims 1, 2, and 3-4, 6-8, insofar as they are dependent on claim 2, and 10, 11, and 12-13, 15-17 insofar as they are dependent on claim 11 (Article 34(3) PCT and Rule 68.5 PCT), and
- does not contain any statement as provided in Article 35(2) PCT, on those parts which relate to the **other invention(s)**, i.e. the invention(s) mentioned in the other dependent claims (Articles 34(4)(ii) and 34(3) (a)

PCT).

- 2 Claims 9 and 18 contain reference to the description and the drawings. According to Rule 6.2(a) PCT, claims should not contain such references except where absolutely necessary, which is not the case here.

Re Item IV

Lack of unity of invention

- 1 See Re Item III, paragraph 1(b).

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

- 1 The following documents are referred to hereafter:
D1=WO96/02970 (A)
D2=FR 2 695 285 (A)
D3=WO02/16826 (A)

INDEPENDENT CLAIM 1

- 2 For independent claim 1, document D1 is considered to represent the most relevant state of the art.
- 2.1 D1 discloses a **lighting system** (page 14, lines 19-20), comprising:
- a) a **carrier 201** for a **primary source 200** of electricity (Fig. 2, 201), including a plurality of **primary coils** (page 19, lines 2-10; "the loop");
 - b) a plurality of sealed **lighting modules 203, 204** (page 14, line 18 - page 15, line 6 and Fig. 2),
each [module] including
 - c) at least one **secondary coil 401** for **electro-magnetically** linking with one of the primary coils (Fig. 5) ;
 - d) at least one **light source 405** (Fig. 5).

from which the subject-matter of claim 1 differs in that

- e) each module 20 includes
 - at least one **back-up battery**
 - **charging circuitry** for the battery
 - **change-over circuitry** to change to battery power in the event of failure of the primary electricity source.

2.2 The **problem** to be solved by the present application may be regarded as how to ensure operation of a lighting system in case of mains failure.

2.3 However, document **D3** discloses the use of a **charging circuit 108** and a **change over circuit 110** in the event of failure of the primary electricity source (from page 6, line 28 to page 8, line 17, and from page 10, line 29 to page 11, line 20).

When confronted with the above mentioned problem, it would, therefore, be obvious to the person skilled in the art to apply the features of **D3** with corresponding effect to the lighting system of **D1**, thereby achieving the same effect defined in claim 1.

As a consequence, claim 1 lacks of inventive step (3) PCT.

2.4 Remark concerning the features "c" above:

It is noted that although document **D1** does not explicitly mention a plurality of primary coils, the "sealed energising cable 201" of **D1** does perform the same function of inductively, i.e. electro-magnetically, coupling the sealed lighting units to the power supply (page 19, lines 2-10).

INDEPENDENT CLAIM 10

3 For independent claim 10, document **D1** is considered to represent the most relevant state of the art.

3.1 **D1** discloses a **lighting module 203, 204** (page 14, line 18 - page 15, line 6 and Fig. 2)

- a) for use with a **primary source** of electricity 200,
- b) and having a plurality of **primary coils** (page 19, lines 2-10; "the loop"); the lighting module comprising
- c) at least one **secondary coil 401** for **electro-magnetically** linking with one

- of the primary coils (Fig. 5) ;
d) at least one **light source** 405 (Fig. 5).

from which the subject-matter of claim 10 differs in that

- e) each module 20 includes
- at least one **back-up battery**
 - **charging circuitry** for the battery
 - **change-over circuitry** to change to battery power in the event of failure of the primary electricity source.

3.2 The **problem** to be solved by the present application may be regarded as how to ensure operation of a lighting system in case of mains failure.

3.3 However, document **D3** discloses the use of a **charging circuit** 108 and a **change over circuit** 110 in the event of failure of the primary electricity source (from page 6, line 28 to page 8, line 29, and from page 10, line 29 to page 11, line 20).

When confronted with the above-mentioned problem, it would, therefore, be obvious to the person skilled in the art to apply the features of **D3** with corresponding effect to the lighting system of **D1**, thereby achieving the same effect defined in claim 10.

As a consequence, claim 10 lacks of inventive step, Article 33(3) PCT.

3.4 Remark concerning the features "c" above:

It is noted that although document **D1** does not explicitly mention a plurality of primary coils, the "sealed energising cable 201" of **D1** does perform the same function of inductively, i.e. electro-magnetically, coupling the sealed lighting units to the power supply (page 19, lines 2-10).

4 Remark

An objection of lack of inventive step against independent claims 1 and 10 is also raised on the basis of document **D2**, which discloses a lighting system wherein the supply line comprises a plurality of primary coils, each coil being coupled to a lighting unit through a secondary coil (page 8, lines 14-23 and Fig. 4). Each lighting unit

comprises a light source and a secondary coil housed together within a sealed casing (page 4, line 12 - page 5, line 8; page 6, lines 18-25 and Figs. 1, 3).

The use of the emergency lamps having the features of document **D3** in the system known from **D2** is also considered an obvious combination, rendering the subject-matter of claims **1** and **10** not inventive, Article **33(3)** PCT.

DEPENDENT CLAIMS

5 Furthermore, none of the dependent claims **2-4**, **6-7** and **11-13**, **15-16** appears to contain any additional features which, in combination with the features of the claim to which they refer, involve an inventive step for the following reasons:

- the additional features of including rectification means in each lighting module are disclosed in **D1** (page 14, lines 32-26 and Fig. 5, 403). Therefore, the subject-matter of claims **2-4**, **6-7** and **11-13**, **15-16** is not inventive for the same reasons given for claims **1** and **10**.

Additional feature where the shapes of the light sources are words, as disclosed in claims **8** and **17**, is considered a conventional feature of most modern warning lights, and therefore the subject-matter of these claims cannot be regarded as involving an inventive step.

INDUSTRIAL APPLICABILITY (Article 33(4) PCT)

6 The subject-matter according to any of the claims **1**, **2-4**, **6-8**, **10**, **11-13**, **15-17** is industrially applicable.

OBSERVATIONS

7 The independent claims are not in the **two-part form** in accordance with Rule **6.3(b)** PCT, which in the present case would be appropriate, with those features known in combination from the prior art (cf. **D1**, **D2** or **D3**) being placed in the preamble (Rule **6.3(b)(i)** PCT and with the remaining features being included in the characterising part (Rule **6.3(b)(ii)** PCT).

8 The features of the claims are not provided with **reference signs** placed in parentheses (Rule **6.2(b)** PCT).

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- 9 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents **D1** to **D3** is not mentioned in the **description**, nor are these documents identified therein.
- 10 The general statement in the description at page 7 (lines 14-16) is not clear, and when used to interpret the claims renders them also unclear, contrary to Article 6 PCT. It is also irrelevant in the sense of Rule 9.1(iv) PCT.
